

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW
500 DELAWARE AVENUE
P. O. BOX 1150
WILMINGTON, DELAWARE 19899

TELEPHONE
302-654-1888
FACSIMILE
302-654-2067

April 16, 2007

VIA ELECTRONIC FILING AND HAND DELIVERY

The Honorable Sue L. Robinson
United States District Court
844 North King Street
Wilmington, DE 19801

REDACTED PUBLIC
VERSION

Re: *Novo Nordisk A/S v. sanofi-aventis et al.*
C.A. No. 05-645-SLR

Dear Chief Judge Robinson:

Please find attached several documents discussed in the April 11, 2007 discovery conference.

The first is a transcript from the deposition of Stefan Schwarz, the business person who received Aventis's September 13, 2005 noninfringement opinion. In Mr. Schwarz's transcript, Aventis has highlighted the following portions: (i) page 59, line 19 through page 62, line 1; (ii) page 72, lines 16-23; and (iii) page 86, lines 3-12.

In these portions of his transcript, Mr. Schwarz refers to "a summary" from Carolyn Moon, the former Head of U.S. Patent Litigation at sanofi-aventis. In response to Novo's requests, one of the documents that Aventis produced was a redacted copy of an October 5, 2005 internal memo from Ms. Moon entitled "Background and Status for OptiClik U.S. Patent Infringement Suit." In redacting Ms. Moon's memo prior to producing it to Novo, Aventis sought to distinguish litigation work product from material relating to the subject of Aventis's noninfringement opinion. Although Mr. Schwarz is not listed as a recipient on this memo, Novo asked the Court for an *in camera* review of the document. Accordingly, Aventis has attached hereto a copy of Ms. Moon's internal memo, in both redacted and unredacted form.

Please advise if you need any further information or have any questions.

Respectfully,

/s/ Lauren E. Maguire

Lauren E. Maguire (I.D. #4261)

Enclosures

cc Frederick L. Cottrell, III, Esquire (via electronic mail w/o encl.)
Stephen J. Vitola, Esquire (via electronic mail w/o encl.)
Paul H. Berghoff, Esquire (via electronic mail w/o encl.)

179723.1

EXHIBITS A-C

**REDACTED IN
THEIR ENTIRETY**